



PRESENT:

Mr. Daniel A. Gecker, Chairman
Mr. Sherman W. Litton, Vice-Chairman
Mr. Phillip G. Cunningham
Mr. Russell J. Gulley
Mr. Ronald K. Stack
Mr. Thomas E. Jacobson, Secretary to the Commission,
Planning Director

ALSO PRESENT:

Mr. Kirkland A. Turner, Development Manager,
Community Development
Mr. William D. Poole, Assistant Director,
Development Review, Planning Department
Mr. Glenn E. Larson, Assistant Director, Plans and Information
Section, Planning Department
Ms. Beverly F. Rogers, Assistant Director, Zoning and
Special Projects, Planning Department
Mr. Robert V. Clay, Principal Planner, Zoning and
Special Projects, Planning Department
Ms. Jane Peterson, Principal Planner, Zoning and
Special Projects, Planning Department
Ms. Darla W. Orr, Senior Planner, Zoning and
Special Projects, Planning Department
Mr. Fred Moore, Planner, Zoning and
Special Projects, Planning Department
Mr. Gregory E. Allen, Planning Administrator,
Development Review, Planning Department
Mr. Jeffrey H. Lamson, Senior Planner, Development
Review, Planning Department
Mr. Alan G. Coker, Senior Planner, Development
Review, Planning Department

Mr. Doug Mawby, Senior Planner, Development

Review, Planning Department
Mr. Zachary L. Robbins, Planner, Development
Review, Planning Department
Mr. David A. Hainley, Planning Administrator,
Development Review, Planning Department
Ms. Barbara Fassett, Planning Administrator, Advance Planning
and Research Branch, Planning Department
Mr. James K. Bowling, Principal Planner, Advance Planning
and Research Branch, Planning Department
Mr. Steven F. Haasch, Planner, Advance Planning and
Research Branch, Planning Department
Ms. Linda N. Lewis, Administrative Secretary, Administrative
Branch, Planning Department
Ms. Deanna D. Harkabus, Secretary, Administrative
Branch, Planning Department
Ms. Lola M. Rodriguez, Assistant County Attorney,
County Attorney's Office
Mr. Allan M. Carmody, Budget Manager,
Budget and Management Department
Mr. R. John McCracken, Director,
Transportation Department
Mr. James R. Banks, Assistant Director,
Transportation Department
Mr. Stan B. Newcomb, Principal Engineer,
Transportation Department
Mr. Richard M. McElfish, Director,
Environmental Engineering Department
Ms. Joan Salvati, Water Quality Administrator,
Environmental Engineering Department
Mr. Randolph Phelps, Senior Engineer,
Utilities Department
Assistant Fire Marshal Steve Hall, Fire and Life Safety,
Fire Department
Ms. Cynthia Owens-Bailey, Director of Planning,
School Administration

WORK SESSION

At approximately 12:00 p. m., Messrs. Gecker, Litton, Cunningham, Gulley, Stack and staff met in the Executive Session Meeting Room, Chesterfield County Administration Building for lunch and a work session to discuss the following:

- A. Requests to Postpone Action, Emergency Additions or Changes in the Order of Presentation.
- B. Review Day's Agenda.

(NOTE: At this time, any items listed for the 3:00 p. m. and 7:00 p. m. Sessions will be discussed.)

- C. Plans and Information Section Projects Update.
- D. Work Program – Review and Update.
- E. Consideration of the following Administrative Substantial Accord Determination:

<u>CASE AND DISTRICT</u>	<u>APPLICANT</u>	<u>REQUEST</u>	<u>PROJECT NAME</u>
03PD0224 Midlothian	Wayne Morris	Substantial Accord Determination	Grove Park Court Tower

- F. Discussion Relative to:
 - ◆ Subdivision Lot Area Requirements relative to Electric Transmission and Gas Pipeline Easements and Floodplains, Wetlands and Buffers.
 - ◆ Residential Access Study (Connectivity Policy).
 - ◆ Residential Lot Area Definition.
 - ◆ Chesapeake Bay Ordinance Amendments.

A. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

On motion of Mr. Gulley, seconded by Mr. Stack, the Commission amended the agenda to defer discussion relative to the Chesapeake Bay Ordinance Amendments indefinitely to allow finalization of the revisions by the Chesapeake Bay Local Assistance Department (CBLAD).

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

B. REVIEW DAY'S AGENDA.

Messrs. Jacobson, Poole and Allen updated the Commission as to the status of, and staff's recommendation for, requests to be considered during the Afternoon Session.

Ms. Rogers updated the Commission as to the status of, and staff's recommendation for, the upcoming caseloads, administrative substantial accord determination and zoning requests to be considered during the Evening Session.

Mr. Bowling updated the Commission as to the status of, and staff's recommendation for, the proposed Courthouse Area Design Overlay District and related Ordinances and Initiatives.

C. PLANS AND INFORMATION SECTION PROJECTS UPDATE.

Ms. Fassett updated the Commission as to the status of pending citizens meetings and other projects.

D. WORK PROGRAM.

There was discussion relative to several items forwarded to the Planning Commission by the Board of Supervisors and it was the consensus of the Commission to add an Ordinance Amendment to Require Conditional Use in a C-3 District relative to Motor Vehicle Sales and a Special Exception/Conditional Use Ordinance Amendment to their Work Program.

Upon conclusion of discussion relative to the Commission's Work Program, it was the consensus of the Commission to adopt their July 2003 Work Program, as outlined by Mr. Jacobson.

E. CONSIDERATION OF THE FOLLOWING ADMINISTRATIVE SUBSTANTIAL ACCORD DETERMINATION:

<u>CASE AND DISTRICT</u>	<u>APPLICANT</u>	<u>REQUEST</u>	<u>PROJECT NAME</u>
03PD0224 Midlothian	Wayne Morris	Substantial Accord Determination	Grove Park Court Tower

In response to questions from the Commission, staff explained the applicant had requested deferral of their application to allow time for them to make application and move forward with their new proposed location, noting that once the new location was approved, this application would be withdrawn.

In response to Mr. Gecker's question as to whether or not there was a written request for deferral from the appropriate party having power of attorney, staff noted the request had been verbal.

There was discussion relative to the legal ramifications with respect to the Commission's ability to defer the request; legal documentation as to the scope of the Commission's purview within the guidelines of the Administrative Policy on Substantial Accord Determinations; and other concerns.

The Commission agreed to defer further discussion to later during the Work Session to allow staff an opportunity to provide the requested information.

F. DISCUSSION RELATIVE TO:

- ◆ **SUBDIVISION LOT AREA REQUIREMENTS RELATIVE TO ELECTRIC TRANSMISSION AND GAS PIPELINE EASEMENTS AND FLOODPLAINS, WETLANDS AND BUFFERS.**

Upon conclusion of discussion, the Commission decided that the Subdivision Lot Area Requirement Committee should meet to determine if the Committee should continue working on the project, in light of the proposed Ordinance Amendment related to the Residential Lot Area Definition project.

◆ **RESIDENTIAL ACCESS STUDY (CONNECTIVITY POLICY).**

Mr. Hainley presented an overview of the proposed Residential Access Study (Connectivity Policy) explaining its purpose, provided examples of where connectivity would and/or would not be advantageous and addressed various other elements of the project.

There was discussion relative to the Connectivity Policy and its relationship and potential impact on the Emergency Access and Sidewalk Policies.

Upon conclusion of the discussion, the Commission requested staff schedule the Connectivity Policy for further discussion at the August 19, 2003, Planning Commission Work Session.

E. CONSIDERATION OF THE FOLLOWING ADMINISTRATIVE SUBSTANTIAL ACCORD DETERMINATION:

<u>CASE AND DISTRICT</u>	<u>APPLICANT</u>	<u>REQUEST</u>	<u>PROJECT NAME</u>
03PD0224 Midlothian	Wayne Morris	Substantial Accord Determination	Grove Park Court Tower

Mr. Jacobson recalled Case 03PD0224, Wayne Morris.

Staff indicated the deferral of the request was within the scope of the Commission's purview as reflected within the guidelines of the Administrative Policy on Substantial Accord Determinations.

On motion of Mr. Gecker, seconded by Mr. Litton, the Commission resolved to amend their agenda to defer Case 03PD0224, Wayne Morris, to the Evening Session and to allow staff to contact and request that either a representative for the applicant be present at the meeting or that appropriate written, signed documentation requesting the deferral be provided.

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

Mr. Gecker left the meeting at approximately 2:38 p. m.

◆ **RESIDENTIAL LOT AREA DEFINITION.**

Mr. Hainley presented an overview of, and explained the intent, of the proposed Ordinance Amendment, to which there was consensus among the Committee and development community representatives.

Upon conclusion of the discussion, the Commission requested staff schedule the Residential Lot Area Definition project for discussion at the July 15, 2003, Planning Commission Work Session.

The Commission recessed at approximately 2:54 p. m.

3:00 P. M. AFTERNOON SESSION

Mr. Litton, Vice Chairman, called the Afternoon Session to order at approximately 3:00 p. m. in the Public Meeting Room of the Chesterfield County Administration Building.

A. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

There were no requests to postpone action, emergency additions or changes in the order of presentation.

B. APPROVAL OF PLANNING COMMISSION MINUTES:

Mr. Jacobson stated that the first order of business would be the consideration of the May 20, 2003, Planning Commission minutes.

On motion of Mr. Stack, seconded by Mr. Cunningham, the Commission resolved to approve the May 20, 2003, Planning Commission minutes, as written.

AYES: Messrs. Litton, Cunningham, Gulley and Stack.
ABSENT: Mr. Gecker.

C. CONSIDERATION OF THE FOLLOWING REQUESTS:

◆ WITHDRAWAL.

03TW0311: In Clover Hill Magisterial District, **BARTHOL DESIGN ASSOCIATES, P.C.** requested withdrawal of an alternative to the Subdivision Ordinance provision in Section 17-35(b) requiring any subdivider seeking to resubdivide lots smaller than the average lot size with less than ninety (90%) percent of the lots in that section. This development is commonly known as **POCOSHOCK HEIGHTS**. This request lies in a Residential (R-7) District on five (5) lots and one (1) parcel totaling 3.98 acres fronting approximately 600 feet on the western line of Ironwood Road and at the western terminus of Kingham Road. Tax IDs 749-702-7154, 8454, 8467, 8479, 8589 and 749-703-8500 (Sheet 6).

Mr. Jacobson stated that the applicant had submitted a request to withdraw Case 03TW0311, Barthol Design Associates, P.C.

No one came forward to represent the request.

There was no opposition to the withdrawal.

On motion of Mr. Gulley, seconded by Mr. Stack, the Commission acknowledged withdrawal of Case 03TW0311, Barthol Design Associates, P.C. (Pocoshock Heights).

AYES: Messrs. Litton, Cunningham, Gulley and Stack.
ABSENT: Mr. Gecker.

◆ **DEFERRALS.**

00PR0149: In Bermuda Magisterial District, **LAVERNE C. COLE** requested Planning Commission approval of a site plan for a 2,600 square foot convenience/fast-food building, as required by Proffered Condition 18 of Zoning Case 97SN0150. This project is commonly known as **COLE C'STORE**. This request lies in a Neighborhood Business (C-2) District on a 2.138 acre parcel fronting approximately 470 feet on the north line of Route 10, also fronting approximately 210 feet on the west line of Rock Hill Road. Tax ID 797-655-3409 (Sheet 26).

Mr. Derrick Johnson, the applicant's representative, came forward.

Mr. Cunningham stated he wished to defer the request on his own motion to the August 18, 2003, Planning Commission meeting to allow the applicant time to resolve outstanding issues.

There was no opposition to the deferral.

On motion of Mr. Cunningham, seconded by Mr. Stack, the Commission, on their own motion, resolved to defer Case 00PR0149 to the August 19, 2003, Planning Commission public hearing.

AYES: Messrs. Litton, Cunningham, Gulley and Stack.
ABSENT: Mr. Gecker.

03PR0291: In Bermuda Magisterial District, **SAC PROPERTIES, LLC** requested Planning Commission approval of a site plan for a 6,000 square foot dentist office, as required by Proffered Condition 18 of Zoning Case 97SN0150. This project is commonly known as **CASTRO DENTIST OFFICE**. This request lies in a Neighborhood Business (C-2) District on a .919 acre parcel fronting approximately 128 feet on the north line of Route 10, also lying approximately 700 feet west of the intersection of Rock Hill Road and Route 10 and better known as 2930 West Hundred Road. Tax ID 796-655-8223 (Sheet 26).

Mr. Derrick Johnson, the applicant's representative, came forward.

Mr. Cunningham stated he wished to defer the request, on his own motion, to the August 18, 2003, Planning Commission meeting to allow the applicant time to resolve outstanding issues.

There was no opposition to the deferral.

On motion of Mr. Cunningham, seconded by Mr. Stack, the Commission, on their own motion, resolved to defer Case 00PR0149 to the August 19, 2003, Planning Commission public hearing.

AYES: Messrs. Litton, Cunningham, Gulley and Stack.

ABSENT: Mr. Gecker.

◆ **CASES WHERE THE APPLICANT ACCEPTS STAFF'S RECOMMENDATION AND THERE WAS NO OPPOSITION PRESENT.**

03PW0316: In Bermuda Magisterial District, **GEORGE E. AVERY, III** requested Planning Commission approval of a development standards waiver to Section 19-508.1 requiring new utility lines be installed underground. This project is commonly known as **AVERY IRRIGATION**. This request lies in a General Industrial (I-2) District on a 1.3 acre parcel lying approximately 520 feet off the south line of Old Bermuda Hundred Road, also lying approximately 1,000 feet west of Lawing Drive. Tax ID 805-649-6515 (Sheet 35).

Mr. George Avery, III, the applicant, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Cunningham, seconded by Mr. Gulley, the Commission found Case 03PW0316, George E. Avery, III (Avery Irrigation) substantially complied with the five (5) factors of Section 19-19 of the County Code and resolved to recommend approval of a development standards waiver to Section 19-508.1. of the Zoning Ordinance requiring new utility lines be installed underground, subject to the following condition:

CONDITION

The waiver shall be for the currently approved site plan only showing a 200 foot extension of overhead power line to the corner of the applicant's site. The power service from this new pole shall be extended underground to the building.

AYES: Messrs. Litton, Cunningham, Gulley and Stack.

ABSENT: Mr. Gecker.

03PW0317: In Midlothian Magisterial District, **UNITY CHRIST CHURCH OF BON AIR** requested Planning Commission approval of a development standards waiver to Section 19-514(d)(1) requiring paving and curb and gutter for a parking lot for a period of three (3) years. This project is commonly known as **UNITY CHRIST CHURCH OF BON AIR**. This request lies in a Residential (R-15) District on a 3.36 acre parcel fronting approximately 290 feet on the east line of Buford Road, also lying approximately 370 feet from its intersection with Buford Oaks Drive. Tax ID 758-710-0393 (Sheet 7).

Mr. Charles Pierce, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gulley, seconded by Mr. Cunningham, the Commission found Case 03PW0317, Unity Christ Church of Bon Air (Unity Christ Church of Bon Air) substantially complied with the five (5) factors of Section 19-19 of the County Code and resolved to recommend approval of a development standards waiver for three (3) years to Section 19-514(d) of the Zoning Ordinance requiring the paving of parking areas and the installation of curb and gutter around the perimeter of the parking and driveway areas serving the site, subject to the following conditions:

CONDITIONS

1. Pavement and curb and gutter will be installed within three (3) years of the approval of this Development Standards Waiver.
2. Edges of parking and driveway areas will be delineated with materials to be approved at the time of site plan review.

AYES: Messrs. Litton, Cunningham, Gulley and Stack.

ABSENT: Mr. Gecker.

03PS0318: In Dale Magisterial District, **DAVID M. STEVENS** requested Planning Commission approval of a sign package, as required by Zoning Case 84S193. This project is commonly known as **LONG & FOSTER**. This request lies in a Neighborhood Business (C-2) District on five (5) parcels totaling 14.075 acres fronting approximately 210 feet on the west line of Iron Bridge Road, also fronting Courtyard Road and located in the northwest quadrant of the intersection of these roads. Tax IDs 772-657-4084, 772-658-8531, 8612, 8744 and 773-658-4441 (Sheet 25).

Mr. David Stevens; the applicant, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Litton, seconded by Mr. Stack, the Commission resolved that approval for a sign package, as required by Zoning Case 84S193, for Case 03PS0318, David M. Stevens (Long and Foster), shall be and it thereby was granted.

AYES: Messrs. Litton, Cunningham, Gulley and Stack.

ABSENT: Mr. Gecker.

02PR0241: In Dale Magisterial District, **LONG & FOSTER** requested Planning Commission approval of a landscape plan, as required by Condition 3 of Zoning Case 84S193. This project is commonly known as **LONG & FOSTER OFFICE BUILDING PHASE I**. This request lies in a Neighborhood Business (C-2) District on part of a 3 acre parcel fronting approximately 250 feet on the west line of Iron Bridge Road, also fronting approximately 275 feet on the north line of Courtyard Road. Tax ID 773-658-Part of 4441 (Sheet 25).

Mr. Mike Perry, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Litton, seconded by Mr. Gulley, the Commission resolved that approval for a landscape plan, as required by Condition 3 of Zoning Case 84S193, for Case 02PR0241, Long & Foster (Long & Foster Office Building Phase I), shall be and it thereby was granted.

AYES: Messrs. Litton, Cunningham, Gulley and Stack.

ABSENT: Mr. Gecker.

02PR0374: In Dale Magisterial District, **MCKINLEY PROPERTIES L.C.** requested Planning Commission

approval of a landscape plan, as required by Condition 3 of Zoning Case 84S193. This project is commonly known as **MCKINLEY OFFICE BUILDING**. This request lies in a Neighborhood Business (C-2) District on two (2) parcels totaling 3.4 acres lying approximately 550 feet off the west line of Iron Bridge Road, also fronting approximately 600 feet on the north line of Courtyard Road. Tax IDs 772-658-8531 and 8744 (Sheet 25).

Mr. Stanley Langford, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Litton, seconded by Mr. Stack, the Commission resolved that approval for a landscape plan, as required by Condition 3 of Zoning Case 84S193, for Case 02PR0374, McKinley Properties L.C. (McKinley Office Building), shall be and it thereby was granted, subject to the following conditions:

CONDITIONS

1. Revise specified size of plant material to meet minimum requirements per Section 19-518.
2. Trees along Court Yard Road shall be of a consistent species. The trees currently specified, Pin Oak, are not considered a good street tree because of the downward branching habit. It is recommended that these be changed to Willow Oak to be consistent with the Long and Foster site.

AYES: Messrs. Litton, Cunningham, Gulley and Stack.

ABSENT: Mr. Gecker.

03PR0294: In Midlothian Magisterial District, **THE REBKEE COMPANY** requested Planning Commission approval of a site plan for two (2) additional office buildings, as required by Zoning Case 98SN0153. This development is commonly known as **REBKEE - OLD BON AIR OFFICES**. This request lies in a Neighborhood Office (O-2) District on a 2.519 acre parcel lying approximately 200 feet off the west line of Old Bon Air Road, also approximately 300 feet from the intersection of Old Bon Air and Robious Roads and better known as 1030 Old Bon Air Road. Tax ID 749-710-3124 (Sheet 6).

Mr. Andy Scherzer, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gulley, seconded by Mr. Cunningham, the Commission resolved that approval for a site plan for two (2) additional office buildings, as required by Zoning Case 98SN0153, for Case 03PR0294, The Rebkee Company (Rebkee - Old Bon Air Offices), shall be and it thereby was granted, subject to the following conditions and review comments:

CONDITIONS

1. The building shall be constructed to match the elevations prepared by Balzer and Associates, Inc., dated May 5, 2003. Minor revisions to the elevations may be permitted, provided that revisions do not lessen the quality and detail of these elevations, and the overall architectural theme of the project is maintained. Any revisions must be submitted to the Planning

Department for review and approval prior to issuance of the building permit. (P)

2. Approval of the landscape plan prepared by Balzer and Associates, Inc., dated May 6, 2003, is recommended. The Planning Department must approve any substitutions of plant material prior to installation. (P)
3. Revised site plans shall be submitted to staff for approval which accomplish the following review comments:

REVIEW COMMENTS

1. Label the proposed sixteen (16) foot private easement as a "water" easement instead of "utility" easement. (U)
2. Revise the CBPA note on sheet 1 to state, "CBPA compliance achieved through a partial opt-out report prepared by Larry Madison dated June 20, 2000 and approved by the county on June 27, 2000. Remaining removal requirements of 0.03 lbs/yr is waived by the Director of Environmental Engineering because of the minimization of impacts to the RMA." (EE)
3. It is the responsibility of the applicant to comply with and/or acquire all applicable federal and/or state permits in relationship to environmental features including but not limited to "wetlands, surface waters (e.g. VPDES permit for construction sites of 1 acre or more), ground water and air quality". Final approval of these plans will not relieve you of your responsibility. Wetlands documentation must be received by this department prior to issuance of the land disturbance permit. (EE)

AYES: Messrs. Litton, Cunningham, Gulley and Stack.
ABSENT: Mr. Gecker.

D. FIELD TRIP AND DINNER.

◆ **FIELD TRIP SITE SELECTION:**

The Commission set their Field Trip Agenda to visit the request site relative to Case 03SN0242, Genuine Auto Parts, scheduled for consideration by the Commission in July 2003.

◆ **DINNER LOCATION:**

On motion of Mr. Cunningham, seconded by Mr. Gulley, the Commission resolved to meet for dinner at O'Charley's on Hull Street Road.

AYES: Messrs. Litton, Cunningham, Gulley and Stack.
ABSENT: Mr. Gecker.

The Commission recessed at approximately 3:15 p. m. and agreed to meet at 4:30 p.m. to depart the Chesterfield County Administration Building for their Field Trip and dinner.

Mr. Gecker joined the Commission during dinner, at which time there was discussion pertaining to various request sites.

7:00 P. M. EVENING SESSION

At approximately 7:00 p. m., Mr. Gecker, Chairman, called the Evening Session to order.

A. INVOCATION.

Mr. Cunningham presented the invocation.

B. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA.

Master Barry Hubbard, a member of Boy Scout Trop 806, led the Pledge of Allegiance to the Flag.

C. REVIEW MEETING PROCEDURES.

Mr. Jacobson apprised the Commission of the agenda for the next two (2) months. He stated that the July 15, 2003, agenda was comprised of eleven (11) cases, the August 19, 2003, agenda had a total of fifteen (15) cases and the September 16, 2003 meeting had a total of five (5) cases. He further noted the Commission had scheduled a Special Work Session on June 19, 2003, at 2:00 p. m., in Room 502, of the Chesterfield County Government Complex Administration Building to discuss the Matoaca Village Plan, the Public Facilities Plan and Demographic Trends relative to Growth Projections.

D. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

There were no requests to postpone action, emergency additions or changes in the order of presentation.

E. CONSIDERATION OF THE FOLLOWING REQUESTS:

◆ ADMINISTRATIVE SUBSTANTIAL ACCORD DETERMINATION – DEFERRAL REQUEST BY APPLICANT.

<u>CASE AND DISTRICT</u>	<u>APPLICANT</u>	<u>REQUEST</u>	<u>PROJECT NAME</u>
03PD0224 Midlothian	Wayne Morris	Substantial Accord Determination	Grove Park Court Tower

Ms. Orr indicated staff had received written, signed documentation of the applicant's request for deferral to the Planning Commission's September 16, 2003, public hearing.

In response to questions from Mr. Gecker, Mr. Dale Finnoch, the applicant's representative, indicated his client wished to defer the request to the Commission's September 16, 2003, public hearing.

When asked, staff indicated there was information in the case file indicating Mr. Finnoch had power of attorney for the subject request.

There was no opposition to the deferral.

On motion of Mr. Gecker, seconded by Mr. Stack, the Commission resolved to defer Case 03PD0224 to the September 16, 2003, Planning Commission public hearing.

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

◆ **REQUESTS FOR DEFERRAL BY APPLICANTS.**

03SN0200: In Matoaca Magisterial District, **ROCK VIEW HOMES, INC.** requested deferral to November 18, 2003, of consideration for rezoning and amendment of zoning district map from Agricultural (A) and Residential (R-7) to Residential (R-12) with Conditional Use Planned Development to permit exceptions to Ordinance requirements. Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for single family residential use of 2 units per acre or less. This request lies on 157.6 acres fronting in two (2) places for a total of approximately 550 feet on the west line of Otterdale Road, approximately 600 feet south of Broadmoore Road. Tax IDs 707-682-4055, 708-681-7138 and 708-683-1628 and 6612 (Sheets 8, 9, 14 and 15).

Ms. Penny Koch, the applicant's representative, requested deferral to the November 18, 2003, Planning Commission public hearing.

Mr. Charles Hubbard, an adjacent property owner, stated he did not oppose the deferral but had concerns relative to flooding, the bridge width and density.

The following motion was made at the applicant's request.

On motion of Mr. Stack, seconded by Mr. Cunningham, the Commission resolved to defer Case 03SN0200 to the November 18, 2003, Planning Commission public hearing.

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

02SN0296: In Bermuda Magisterial District, **TED A. WILLIAMS AND THOMAS A. WILLIAMS AND GRACE M. WILLIAMS TRUST** requested deferral to September 16, 2003, of consideration for rezoning and amendment of zoning district map from Agricultural (A) to Community Business (C-3) of 7.8 acres plus proffered conditions on 0.6 acres currently zoned Community Business (C-3). The density of such amendment

will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for neighborhood mixed use. This request lies on 8.4 acres fronting approximately 42.5 feet on the south line of East Hundred Road, approximately 300 feet east of Rivers Bend Boulevard. Tax IDs 815-651-6774; 815-652-6324, 6610, 6923, 7322, 7605, 7918, 8701, 8716 and 9515 (Sheet 27).

Mr. Dean Hawkins, the applicant's representative, requested deferral to the September 16, 2003, Planning Commission public hearing to allow the applicant an opportunity to amend the application.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Cunningham, seconded by Mr. Stack, the Commission resolved to defer Case 02SN0296 to the September 16, 2003, Planning Commission public hearing.

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

◆ **REQUESTS WHERE THE APPLICANT ACCEPTS THE RECOMMENDATION AND THERE IS NO OPPOSITION PRESENT.**

03SN0264: In Clover Hill Magisterial District, **CHESTERFIELD COUNTY BOARD OF SUPERVISORS** requested Conditional Use Planned Development and amendment of zoning district map to permit exceptions to Ordinance requirements in a Residential Townhouse (R-TH) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for mixed use corridor use. This request lies off the north line of Duckridge Boulevard on 6.8 acres and is known as Lakepointe. Tax IDs 722-672-2248, 2450, 2553, 2757, 2960, 3162, 3345, 3543, 3742, 3767, 4068, 4139, 4255, 4369, 4437, 4556, 4736, 4770, 4857, 5134, 5171, 5348, 5358, 5372, 5432, 5630, 5646, 5659, 5873, 5944, 5960, 6174, 6375, 6763, 6898, 6995, 7065, 7090, 7149, 7184, 7187, 7351, 7367, 7652, 7769, 7971, 8055, 8272, 8299, 8357, 8491, 8588, 8658, 8786, 8961, 9082, 9179, 9263, 9376, 9396, 9464, 9594, 9691, 9888 and 9967; 722-673-6800, 6908, 7110, 7313, 8016, 8417, 8500, 8702, 8717, 9315, 9513 and 9812; 723-672-0085, 0168, 0282, 0470, 0872, 0899, 1074, 1096, 1294, 1376, 1490, 1687 and 1885; and 723-673-0308, 0405 and 0603 (Sheet 15).

Mr. Kirk Turner, agent for the Board of Supervisors, introduced Mr. Jerry Stroud, representative for the Lakepointe Association, who accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gulley, seconded by Mr. Litton, the Commission resolved to recommend approval of Case 03SN0264, subject to the following condition:

CONDITION

Rear Yards. Each lot shall have a rear yard of not less than twenty-five (25) feet except that when the rear lot line of a lot abuts recorded open space containing a minimum width adjacent to the lot of ten (10) feet, then the rear yard of such lot may be reduced to fifteen (15) feet. (P)

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

03SN0265: In Midlothian Magisterial District, **BRUCE R. ANDERSON** requested rezoning and amendment of zoning district map from Agricultural (A) and Light Industrial (I-1) to Light Industrial (I-1) with Conditional Use Planned Development to permit exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for light industrial use. This request lies on 6.0 acres fronting approximately 700 feet on the west line of Ruthers Road, approximately 10 feet north of Provincetown Drive. Tax IDs 761-705-1052, 1874, 2862, 2954 and 3532 (Sheet 7).

Mr. Bruce Anderson, the applicant, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gulley, seconded by Mr. Gecker, the Commission resolved to recommend approval of Case 03SN0265, subject to the following condition and acceptance of the following proffered condition:

CONDITION

In conjunction with the granting of this request, an exception to setbacks from the adjacent R-TH District shall be granted along the western boundary of the site. Uses shall be located at least thirty-five (35) feet from any R-TH District, located to the west, provided building(s) are designed to provide a screen of activity on the subject property from the adjacent townhouse development, with no openings in the wall facing the property line to the west except for those necessary for fire/rescue access. Should this screening design not be achieved, uses shall be located at least fifty (50) feet from any R-TH District bordering the western property line. (P)

PROFFERED CONDITION

Prior to any site plan approval, thirty-five (35) feet of right of way on the west side of Ruthers Road measured from the centerline of that part of Ruthers Road immediately adjacent to the property shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

03SN0267: In Midlothian Magisterial District, **BALZER AND ASSOCIATES** requested amendment to Conditional Use Planned Development (Case 87S064, Condition 22) and amendment of zoning district map to allow individual property owners within the boundaries of the property encompassed by this application to file schematic/subdivision plans independent of other property owners within the boundaries of the property encompassed by this application. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for office/residential mixed use and light industrial/flex use. This request lies in Residential (R-9 and R-25), Corporate Office (O-2) and Light Industrial (I-1) Districts on 117.4 acres fronting approximately 500 feet on the north line of Midlothian Turnpike, also fronting approximately 2,500 feet on the east line of Route 288 right of way and located in the northeast quadrant of these roads. A second parcel fronts approximately 1,350 feet on the north line of the Norfolk Southern Railroad at the eastern terminus of Justice Road. Tax IDs 719-712-3308, 720-710-0681, 723-710-8108 and 724-710-1160 (Sheet 5).

Mr. Andy Scherzer, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gecker, seconded by Mr. Stack, the Commission resolved to recommend approval of Case 03SN0267, subject to the following condition:

CONDITION

Within the Property ownership boundaries as shown on the map entitled "Property Ownership Boundaries", schematic plans shall be submitted for entire tracts. It is the intention of this condition that future applications for schematic plan approval need only include that part of the tract located within the ownership boundaries shown on the map entitled "Property Ownership Boundaries. (For example, within the "Batte Tract" ownership boundary, schematic plans shall be submitted for all of that part of Tract B located within the ownership boundaries of the "Batte Tract" and that part of Tract B located within the ownership boundaries of the "Salisbury Tract" need not be included as a part of that schematic plan. For that part of Tract B located within the ownership boundaries of the "Salisbury Tract", schematic plans shall be submitted for all of that part of Tract B located within the ownership boundaries of the "Salisbury Tract" and that part of Tract B located within the ownership boundaries of the "Batte Tract" need not be included as a part of that schematic plan. This condition will not allow the filing of schematic plans on parts of tracts located within the property ownership boundaries as shown on the map entitled "Property Ownership Boundaries".) (P)

(NOTE: This condition supersedes Condition 22 of Case 87S064 for the subject property only. All other conditions of approval for Case 87S064 remain in effect.)

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

03SN0271: In Midlothian Magisterial District, **JOHN C. WATKINS AND WATKINS LAND, L.L.C.** requested rezoning and amendment of zoning district map from Agricultural (A) to Corporate Office (O-2) with Conditional Use to allow hotel and restaurant use. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for regional employment center use. This request lies on 15.7 acres fronting approximately 520 feet on the south line of Midlothian Turnpike, approximately 2,700 feet east of Dry Bridge Road. Tax IDs 715-710-Part of 8459 and 717-708-Part of 4353 (Sheet 5).

Mr. Jim Hayes, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gecker, seconded by Mr. Gulley, the Commission resolved to recommend approval of Case 03SN0271 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

1. Except for timbering approved by the Virginia Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices installed. (EE)
2. Prior to any final site plan approval, a ninety (90) foot wide right-of-way for an east/west arterial ("East/West Arterial") from Otterdale Road Relocated to the western property line and generally located towards the southern property line shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. The exact location of this right-of-way shall be approved by the Transportation Department. (T)
3. Direct access from the property to Route 60 shall be limited to one (1) entrance/exit, generally located at the western property line. The exact location of this access shall be approved by the Transportation Department. Prior to final site plan approval for any development that includes this access, an access easement, acceptable to the Transportation Department, shall be recorded across the property to ensure shared use of this access with the adjacent property to the west. (T)
4. Direct access from the property to Otterdale Road Relocated shall be limited to one (1) entrance/exit, generally located approximately midway of the property frontage. This access shall be limited to right-turns-in and right-turns-out only. The exact location of this access shall be approved by the Transportation Department. (T)
5. Direct access from the property to East/West Arterial shall be limited to one (1) entrance/exit, generally located at the western property line. The exact location of this access shall be approved by the Transportation Department. (T)
6. To provide an adequate roadway system at the time of complete development, the owner/developer shall be responsible for the following:
 - a. Construction of an additional lane of pavement along the eastbound lanes of Route 60 from the terminus of the existing right turn storage lane that serves Otterdale Road Relocated, to the western property line.
 - b. Construction of additional pavement along the eastbound lanes of Route 60 at the approved access to provide a separate right turn lane, when the Route 60 access is constructed as identified in Proffered Condition 2.
 - c. Construction of a raised median and one (1) additional lane of pavement along Otterdale Road Relocated from Route 60 to approximately 200 feet south of the right-in and right-out access. The exact length of this improvement shall be approved by the Transportation Department.

- d. Construction of two (2) lanes of East/West Arterial, based on VDOT Urban Minor Arterial Standards (50 MPH) with modifications approved by the Transportation Department, from Otterdale Road Relocated to the western property line.
 - e. Construction of East/West Arterial at its intersection with Otterdale Road Relocated as a three-lane typical section (i.e. one (1) westbound lane and two (2) eastbound lanes). The exact length of this improvement shall be approved by the Transportation Department.
 - f. Construction of additional pavement along Otterdale Road Relocated at the approved access and at East/West Arterial intersection, and along East/West Arterial at the approved access to provide left and right turn lanes, if warranted, based on Transportation Department standards.
 - g. Dedication to Chesterfield County, free and unrestricted, of any additional right-of-way (or easements) required for the improvements identified above. (T)
7. Prior to any site plan approval, a phasing plan for the required road improvements, as identified in Proffered Condition 5, shall be submitted to and approved by the Transportation Department. (T)

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

03SN0272: In Bermuda Magisterial District, **EDNA M. CLAIBORNE** requested amendment to Conditional Use (Case 89SN0301) and amendment of zoning district map relative to an approved master plan and to enrollment limitations at an existing child care center. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 1.5 units per acre or less. This request lies in an Agricultural (A) District on 0.9 acre and is known as 14611 Woods Edge Road. Tax ID 805-643-6670 (Sheet 35).

Ms. Edna Claiborne, the applicant, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Cunningham, seconded by Mr. Stack, the Commission resolved to recommend approval of Case 03SN0272, subject to the following condition and acceptance of the following proffered conditions:

CONDITION

Any additions, alterations or redevelopment of the site shall conform to the development standards of the Zoning Ordinance for Corporate Office (O-2) Districts in Emerging Growth Areas. (P)

PROFFERED CONDITIONS

1. Prior to any site plan approval, forty-five (45) feet of right-of-way on the east side of Woods Edge Road, measured from the centerline of that part of Woods Edge Road immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
2. Direct access from the property to Woods Edge Road shall be limited to one (1) existing entrance/exit. (T)
3. Prior to enrollment of more than eighty (80) students, additional pavement shall be constructed along Woods Edge Road at the approved access to provide a left turn lane. The developer shall dedicate to Chesterfield County, free and unrestricted, any additional right-of-way (or easements) required for these road improvements. (T)

(Staff Note: This condition is in addition to Condition 3 of Case 89SN0301.)

(Note: With the approval of this request, Conditions 1 and 2 of Case 89SN0301 shall be deleted. All other conditions of Cases 84S177 and 89SN0301 shall remain in effect.)

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

03SN0273: In Clover Hill Magisterial District, **SHAMROCK LTD. LC** requested amendment to Conditional Use Planned Development (Case 83S024) and amendment of zoning district map relative to uses. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for office use. This request lies in a Light Industrial (I-1) District on 1.4 acres fronting approximately 210 feet on the east line of Johnston Willis Drive, approximately 210 feet north of Trade Court. Tax IDs 746-707-6361 and Part of 6842 (Sheet 6).

Mr. Andy Scherzer, the applicant's representative, accepted staff's recommendation, including the Addendum.

In response to a question from Mr. Gulley, Mr. Scherzer indicated the fence posts and accessories would be the same material as the fence.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gulley, seconded by Mr. Litton, the Commission resolved to recommend approval of Case 03SN0273, subject to the following condition and acceptance of the following proffered conditions, including the Addendum:

CONDITION

Motor vehicle services and repair facilities shall be permitted as restricted by the proffered conditions.
(P)

(Note: This condition supersedes Condition 15 of Case 83S024 for the request property only. All other conditions of approval for Case 83S024 remain in effect.)

PROFFERED CONDITIONS

1. Automobile "repair services" shall be limited to the installation and maintenance of accessories on emergency services vehicles. These shall be such items including, but not limited to, sirens, light bars, radios, decals, decorative accessories, detailing, etc. Repair services shall not include engine, transmission or typical maintenance services such as oil changes, tire rotation, etc. (P)
2. A maximum of one (1) single bay of parking and a two-way drive shall be located between any building and Johnston Willis Drive. (P)
3. Vehicles awaiting "repair" or pick-up shall be located to the rear of the closest building to Johnston Willis Drive. This area shall be enclosed by a maximum, eight (8) foot high, chain link fence coated with black vinyl. (P)
4. The building materials and architectural elevations shall be similar to those depicted in Exhibit "B". Overhead doors on the front of the building shall be limited to a maximum of two (2) ten (10) foot doors. (P)
5. There shall be no delivery of vehicles between the hours of 11:00 pm and 6:00am. (P)

(Note: These conditions are in addition to conditions of approval for Case 83S024 and are intended for development of a motor vehicle service and repair facility only.)

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

03SN0274: In Dale Magisterial District, **CHESTERFIELD COUNTY BOARD OF SUPERVISORS** requested Conditional Use and amendment of zoning district map to permit a boarding house in an Agricultural (A) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 2.51 to 4.0 units per acre. This request lies on 0.8 acre and is known as 5155 Iron Bridge Road. Tax ID 777-688-2813 (Sheet 11).

Mr. Kirk Turner, agent for the Board of Supervisors, introduced Mr. Richard Wells, representative for the St. Barnabas Vestry, who accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Litton, seconded by Mr. Gulley, the Commission resolved to recommend approval of Case 03SN0274, subject to the following conditions:

CONDITIONS

1. This Conditional Use shall be granted to and for St. Barnabas Episcopal Church, exclusively, and shall not be transferable nor run with the land. (P)

2. The maximum number of residents shall not exceed eight (8) plus one (1) resident counselor. (P)
3. Other than normal maintenance, there shall be no additions or alterations to the dwelling unit to accommodate this use. (P)
4. There shall be no signs to identify this use. (P)

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

03SN0214: In Matoaca Magisterial District, **JAMES M. BLALOCK** requested amendment to Conditional Use Planned Development (Case 95SN0307) and amendment of zoning district map relative to uses, hours of operation, gross floor area and parking setbacks for property known as Tract 6. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for single family residential use of 2.0 units per acre or less. This request lies in a Residential (R-9) District on 6.5 acres lying approximately 1,340 feet off the north line of Genito Road, measured from the intersection of Genito and Woolridge Roads. Tax ID 719-687-Part of 2732 (Sheet 9).

Mr. Gecker stated he wished to exercise the Chairman's prerogative to move Case 03SN0214 to the discussion agenda.

03SN0221: (Amended) In Bermuda Magisterial District, **JEFFREY D. AND JULIA BOWMAN** requested rezoning and amendment of zoning district map from Residential (R-7) to Neighborhood Business (C-2) with Conditional Use Planned Development to permit exceptions to Zoning Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for neighborhood commercial use. This request lies on 1.3 acres fronting approximately 165 feet on the south line of Old Hundred Road, 290 feet on the east line of Harrowgate Road and 210 feet on the west line of Percival Street and is located at the intersection of these roads. Tax IDs 789-654-1548 and 2755 (Sheet 26).

Mr. Dean Hawkins, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Cunningham, seconded by Mr. Stack, the Commission resolved to recommend approval of Case 03SN0221, subject to the following condition and acceptance of the following proffered conditions:

CONDITION

A nine (9) space exception to the fourteen (14) parking spaces required shall be granted for a photography studio use only. (P)

PROFFERED CONDITIONS

1. Uses shall be limited to the following:
 - a) Bakery Goods Store
 - b) Barber or Beauty Shop

- c) Book, Stationery, Newspaper or Magazine Store
- d) Brokerage
- e) Camera Store
- f) Candy Store
- g) Dry Cleaning, pick-up and drop-off; pressing; laundry and Laundromat; not to include dry cleaning plants
- h) Florist Shop
- i) Nursery Schools and Child or Adult Day Care Centers and Kindergartens
- j) Offices
- k) Shoe Repair Shop
- l) Tailor and Dressmaking Shops

- m) Antique Shops, not to include pawnbrokers, indoor and outdoor flea markets and second hand consignment stores
- n) Art Schools, Galleries or Museums
- o) Artist Material and Supply Stores
- p) Catering Establishments
- q) Churches and/or Sunday Schools
- r) Clothing Stores
- s) Curio or Gift Shops
- t) Eyewear Sales and Services
- u) Hobby Stores
- v) Jewelry Stores
- w) Libraries
- x) Locksmith Operations
- y) Medical Facilities or Clinics
- z) Musical Instrument Stores
- aa) Office Supply Stores
- bb) Photography Studios
- cc) Restaurants, to include carry-out, but not fast food restaurants
- dd) Schools- music, dance and business
- ee) Sewing Machine sales, instruction and services
- ff) Sporting Goods sales
- gg) Toy Stores (P)

2. No direct vehicular access shall be provided from the property to Harrowgate Road or Old Hundred Road. (T)

3. Unless removal is necessitated by a public project, the two existing large maples trees along Old Hundred Road and the one large black oak tree along Harrowgate Road shall be preserved. Nothing herein shall limit the removal of diseased, dying or dead trees. (P)

4. The site plans shall be reviewed and approved by the Planning Commission. (P)

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

◆ **CODE AMENDMENT RELATING TO:**

◆ **COURTHOUSE AREA DESIGN OVERLAY DISTRICT, ORDINANCE AMENDMENT AND INITIATIVES.**

◆ ◆ ◆

An Ordinance to amend the Code of the County of Chesterfield, 1997, as amended, by amending and re-enacting Section 19-580 and adding Sections 19-588.3, 19-588.4 and 19-588.5 relating to architectural development standards for the Courthouse Area Design District. These Ordinance Amendments propose architectural compatibility development standards for properties in the vicinity of the Chesterfield County Courthouse Complex (Government Center), along and in proximity to Route 10.

◆ ◆ ◆

Mr. Bowling presented an overview of the proposed Courthouse Area Design Overlay District, Ordinance Amendment and Initiatives and staff's recommendation.

No one came forward in support of, or opposition to, the proposed Code Amendment.

On motion of Mr. Litton, seconded by Mr. Gulley, the Commission resolved to recommend approval of the following Code Amendment:

Chapter 19 ZONING
Article VII. Development Standards Manual
Division 3. Development Requirements--Office, Commercial and Industrial
Subdivision II. Development Requirements--Specified Areas

Sec. 19-580. Specified areas.

(a) The Highway Corridor District shall include those lands identified on the zoning district map or otherwise described below that include:

(1) The Jefferson Davis Highway corridor;

(2) The Route 360 corridor east;

(3) The Route 360 corridor west, which shall consist of Hull Street Road, extending from Courthouse Road to the Amelia County line, including all land to a depth of 1500 feet from the centerline of Hull Street Road, unless the parcel or project extends further than 1500 feet, in which case these requirements shall apply to the entire parcel or project;

(4) The Route 10 corridor east; ~~and~~

(5) The Old Stage and Coxendale Roads corridor; and

(6) The Courthouse Area Design District.

(b) The Employment Center District shall include all lands identified on the Route 288 Corridor Plan that include:

(1) Regional employment center.

(c) The Enon Core District shall include those lands identified on the zoning district map.

000

Sec. 19-588.3 Courthouse Area Design District: purpose and intent.

The purpose of sections 19-588.4 and 19-588.5 is to provide standards that will encourage and enhance Colonial and Federalist architectural features that are compatible with the historic structures within, and in proximity to, the Chesterfield County Courthouse Complex.

Sec. 19-588.4 Courthouse Area Design District -- Architecture.

Within the Courthouse Area Design District, all buildings shall be compatible with Federalist and Colonial architecture as exemplified by the historic Chesterfield Courthouse, by Castlewood, and by Magnolia Grange. Architectural features shall include, but not be limited to, articulation of doors and windows, architectural ornamentation, and use of materials such as brick and/or siding for walls and standing seam metal or simulated slate for roofs. There shall be no visible flat or shed roofs permitted. Wall offsets and varied rooflines shall be used on larger buildings to create the appearance of several small buildings clustered together. Within a project, compatibility shall be achieved through the consistent use of a Federalist or Colonial architectural styles, and using materials, fenestration, scale and other architectural features appropriate to those styles.

Sec. 19-588.5 Courthouse Area Design District -- Architectural compatibility.

Within the Courthouse Area Design District, architectural treatment of all buildings shall be compatible with buildings located within the same project or within the same block or directly across any road, as determined by the director of planning. At locations where the existing buildings do not meet current zoning ordinance requirements for architectural treatment, the director of planning may approve a new architectural treatment or theme. Compatibility may be achieved through the use of similar building massing, materials, scale, colors or other architectural features.

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

◆ **REQUESTS WHERE THE APPLICANT DOES NOT ACCEPT THE RECOMMENDATION AND/OR THERE IS PUBLIC OPPOSITION PRESENT.**

03SN0214: In Matoaca Magisterial District, **JAMES M. BLALOCK** requested amendment to Conditional Use Planned Development (Case 95SN0307) and amendment of zoning district map relative to uses, hours of operation, gross floor area and parking setbacks for property known as Tract 6. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for single family residential use of 2.0 units per acre or less. This request lies in a

Residential (R-9) District on 6.5 acres lying approximately 1,340 feet off the north line of Genito Road, measured from the intersection of Genito and Woolridge Roads. Tax ID 719-687-Part of 2732 (Sheet 9).

Ms. Peterson presented an overview of the request and staff's recommendation, noting the applicant had withdrawn the requested exception to parking setbacks (Proffered Condition 2.c.) and further revised Proffered Condition 1.a. to clarify the number of actual fueling stations proposed as part of the gasoline sales use, specifically, a maximum of four (4) pumps containing two (2) fueling nozzles each for a total of eight (8) fueling stations.

Mr. James Blalock, the applicant's representative, accepted staff's recommendation, including the Addendum.

Mr. Gecker opened the discussion for public comment.

Mr. Chris McCarthy, Mr. Ray Kniphuisen, Mr. Francis Parnell, Ms. Kathy McCool, Mr. Vincent Moore and other area residents voiced opposition to the request and requested the Commission deny the car wash use and limit the number of gas pumps on the site, citing the inappropriateness of such an intense use in the vicinity of a residential community, that the proposed use was not compatible with other existing permitted uses, that the use was not designed to serve area residents and would attract traffic from outside the community and would adversely impact the character and security of their community.

Mr. Bernard Savage, a developer, voiced support for, and urged the Commission to recommend approval of, the proposed use, noting the location was ideal for a commercial use and would provide a beneficial service to the community.

There being no one else to speak, Mr. Gecker closed the public comment.

In rebuttal, Mr. Blalock indicated the applicant had made every effort to compromise and address area residents' concerns, noting the exception to parking setbacks had been withdrawn and other concessions, to which area residents agreed, had been made.

Mr. Stack stated he understood and appreciated area residents concerns but explained Condition 6 of Case 95SN0307 permitted the development of Convenience Business (C-1) uses on the subject property (Tract G). He stated he was comfortable with the request, as submitted, with the exception of issues related to the car wash use and the number of pump islands/gasoline pumps. He suggested an alternative Condition 1 that would permit gasoline sales with additional limitations and no motor vehicle car wash and asked if Mr. Blalock would still offer the proffers with the imposition of Condition 1.

Mr. Blalock stated Mr. Stack's proposal was not acceptable.

On motion of Mr. Stack, seconded by Mr. Gulley, the Commission acknowledged withdrawal of the request for parking setback exceptions on property known as Tract 6 for Case 03SN0214.

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

On motion of Mr. Stack, seconded by Mr. Cunningham, the Commission resolved to recommend approval of Case 03SN0214, subject to the following conditions but did not accept the applicant's proffered conditions:

CONDITIONS

1. Uses. In addition to those uses permitted by right or with restrictions in the Convenience Business (C-1) District, the following uses shall be permitted:

Gasoline sales, excluding diesel fuel sales in conjunction with a permitted use. A maximum of three (3) pump islands containing a total of no more than six (6) fueling stations (a maximum of three (3) pumps having two (2) fueling nozzles each) shall be permitted. (CPC)

2. Development Standards. Development shall conform to the requirements of the Convenience Business (C-1) Districts in Emerging Growth District Areas, except as follows:

- a. Hours. No use shall be open to the public between 9:00 p.m. and 6:00 a.m., except for convenience store and restaurant uses which shall not be open to the public between 11:00 p.m. and 6:00 a.m.

- b. Individual Buildings. One building shall not exceed 6,500 square feet of gross floor area and shall be occupied by a child care center or office use only. Such building may be located within 200 feet of an existing residentially zoned parcel. All other buildings shall not exceed 5,000 square feet of gross floor area.

3. Prior to the issuance of a building permit on the property (Tract G), Woolridge Road from Watermill Parkway to Genito Road, and Watermill Parkway from Woolridge Road to Old Hundred Road/Powwhite Parkway Extended shall be complete and ready for acceptance into the State Maintenance System as determined by the Transportation Department. (T)
4. Direct access across from the property to Fountain View Drive shall be located at the eastern property line. The exact location shall be approved by the Transportation Department. (T)

(Note: These proffered conditions supersede Condition 6 of Case 95SN0307 for the request property only. Except for Condition 6, all previous conditions and proffered conditions of Case 95SN0307 shall remain in effect.)

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

02SN0237: (Amended) In Dale and Matoaca Magisterial Districts, **ROPER BROTHERS LUMBER CO., INC. AND NASH ROAD/WOODPECKER ROAD, LLC** requested rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-88) of 620.9 acres and proffered conditions on an existing zoned Residential (R-25) 872 acre tract. Residential use of 1.74 units per acre is permitted in a Residential (R-25) District. The Comprehensive Plan suggests the property is appropriate for residential use of 1 to 5 acre lots, suited to R-88 zoning. This request lies on 1,492.9 acres fronting approximately 3,100 feet on the west line of Cattail Road, approximately 1,100 feet north of Reedy Branch Road; also fronting approximately 9,600 feet on the north line of Woodpecker Road, across from Cattail Road; also fronting approximately 5,000 feet on the south line of Woodpecker Road, approximately 3,500 feet east of Nash Road. Tax IDs 761-643-6618, 764-639-4424 and 768-646-Part of 4472 (Sheets 25 and 33).

Ms. Orr presented an overview of the request, pointing out that although the request complied with the Plan and the applicants had withdrawn Proffered Condition 5 and revised Proffered Condition 2, the remaining proffered conditions still failed to address the impact of the development on schools, parks, libraries and fire station facilities. She stated considering the foregoing, staff recommended approval of the request, subject to the applicants fully addressing the development's impact on necessary capital facilities.

Mr. Oliver D. "Skitch" Rudy, the applicants' representative, did not accept staff's recommendation, noting the proposed use was appropriate for the property and the proffered conditions adequately addressed capital facilities. He indicated the applicants had made every effort to compromise and address area residents' concerns; pointed out the proposed development would be compatible with the quality and character of the Highlands Subdivision but would not result in an increase in the number of lots permitted in the Highlands; and the proposed development would be a legitimate asset to the community.

Mr. Gecker opened the discussion for public comment.

Mr. Patrick Searle, a residents of the Highlands, stated he did not oppose the request but did have concerns relative to the impact the development would have on Nash Road traffic. He asked that the applicants be required to post a repair bond prior to construction of the development to make Nash Road safer to travel.

Mr. Jerry Journigan, a Matoaca District resident, voiced support for the proposal and expressed appreciation to all those involved for their compromise and efforts to bring forth a development with which everyone could be satisfied.

Mr. Barry Brockwell, a Highlands resident, voiced support for the proposal, indicating he was excited about the quality of the development and the road improvements.

There being no one else to speak, Mr. Gecker closed the public comment.

Mr. Litton expressed appreciation to all those involved in resolving the issues of concern, particularly the transportation issues. He stated he felt the use was appropriate and he was comfortable with a recommendation of approval.

Mr. Stack stated he felt an equitable compromise and positive outcome had been reached for all concerned; that the proposed development would be an extension of the existing Highlands Subdivision and would be of the same quality and character; and he was comfortable making a recommendation for approval of the request.

On motion of Mr. Stack, seconded by Mr. Cunningham, the Commission resolved to recommend approval of Case 02SN0237 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

The Owners-Applicants in this zoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the development of the property known as Chesterfield County Tax ID 761-643-6618, (Parcel "A"), and Tax ID 764-639-4424, (Parcel "B") (the "Property") under consideration will be developed according to the following conditions and that Condition 1 of Zoning Case 88SN0148 will be amended by condition 3 below, for the request property only, Tax ID 786-646-4472, (Parcel "C-1") if, and only if, the rezoning request for R-88 and

the amendment to case 88SN0148 are granted. In the event the request is denied or approved with conditions not agreed to by the Owners-Applicants, these proffers and conditions shall be immediately null and void and of no further force or effect.

This application contains one exhibit described as follows:

Exhibit A – The plan titled “Zoning Plan” dated March 15, 2002.

1. Timbering. Except for the timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)

2. Transportation.

Dedications. In conjunction with recordation of the initial subdivision plat, the following rights-of-way shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County:

- (a) Forty-five (45) feet of right of way, on the south side of Woodpecker Road and on the west side of Cattail Road, measured from the centerline of that part of the roads immediately adjacent to the property; and
- (b) a two hundred (200) foot wide limited access right-of-way for an east/west freeway (“East/ West Freeway”) through the southeastern part of the property. The exact location of this right-of-way shall be approved by the Transportation Department. There shall be no such requirement to dedicate such right-of-way, if prior to recordation of the initial subdivision plat, the Board of Supervisors approves an alternative location for the East/ West Freeway that does not extend across the property.

Accesses. Direct access from the property to Woodpecker Road and Cattail Road shall be limited to two (2) public roads onto each roadway; for a total of four accesses. The exact location of these accesses shall be approved by the Transportation Department.

Road Improvements. To provide for an adequate roadway system, the developer shall be responsible for the following:

- (a) Construction of additional pavement along Woodpecker Road and Cattail Road at each approved access to provide left and right turn lanes, based on Transportation Department standards;
- (b) Relocation of the ditch to provide an adequate shoulder

along the south side of Woodpecker Road and along the west side of Cattail Road for the entire property frontage; and

- (c) Reconstruction of Nash Road as a two-lane roadway, based on VDOT Urban Collector Standards (40 MPH) and on a ten (10) year storm design criteria with modifications approved by the Transportation Department, from the intersection of Highland Glen Drive to the Eastfair Drive Intersection.
- (d) Dedication to Chesterfield County, free and unrestricted, of any additional right-of-way (or easements) required for the improvements identified above. In the event the Developer is unable to acquire the right-of-way necessary for the road improvement identified in Proffered Condition 2.(c), the developer may request, in writing, the County to acquire such right-of-way as a public road improvement. All costs associated with the acquisition of the right-of-way shall be borne by the developer. In the event the County chooses not to assist the developer in acquisition of the "off-site" right-of-way, the developer shall be relieved of the obligation to acquire the "off-site" right-of-way, and only provide the road improvement that can be accommodated within available right-of-way as determined by the Transportation Department.
- (e) Prior to any construction plan approval, a phasing plan for the required road improvements, as identified in Proffered Condition 2, shall be submitted to and approved by the Transportation Department. The approved phasing plan shall require that prior to recordation of the initial subdivision plat, the developer shall; 1) prepare and have approved construction plans for the road improvements outlined in Proffered Condition 2.(c); and 2) submit a letter of credit to the County for the cost to construct the road improvements outlined in Proffered Condition 2.(c) including the cost of acquire all necessary right-of-way for said improvements. The approved phasing plan shall also require the road improvements outlined in Proffered Condition 2.(c) to be completed prior to the recordation of more than accumulative total of 50 lots or one (1) year from the date of recordation of the initial subdivision plat, whichever occurs first. (T)

Transportation Phasing Plan.

Prior to any road and drainage plan approval, a phasing plan for the required road improvements, as identified above, shall be submitted to and approved by the Transportation Department. (T)

(STAFF NOTE: Proffered Conditions 1 and 2 apply only to Parcels A and B on Exhibit A.)

3. Density. The total number of single family residential units on Parcels A and B shall not exceed an overall density of 0.5 single family residential unit per acre. The total number of single family residential units developed cumulatively on Parcels A, B and C-1 shall not exceed 1250 single family residential units. (Note: This proffered condition modifies Proffered Condition 1 of Case 88SN0148, for parcel C-1 only. The total number of units permitted in the land area which was the subject of Case 88SN0148 remains at 2000 units. (P)

(STAFF NOTE: Proffered Condition 3 applies to Parcels A, B and C-1 on Exhibit A.)

4. (a) On or before the issuance of the 100th building permit on Parcels A and B on Exhibit A, developers shall either: 1) apply for a Conditional Use on Parcels A and/or B on Exhibit A to permit recreational facilities which shall include a minimum 4,000 gross square foot multi-purpose building; or 2) submit a site plan on a part of Parcel C-1 on Exhibit A for a minimum 4,000 gross square foot multi-purpose building.

(b) The developers shall obtain certificates of occupancy for said multi-purpose building within 18 months of the issuance of the 100th residential building permit on Parcels A and B on Exhibit A. Otherwise no further residential building permits shall be granted on Parcels A and B on Exhibit A until such certificates of occupancy have been granted.

5. Withdrawn.

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

03SN0224: (Amended) In Bermuda Magisterial District, **ABILENE MOTOR EXPRESS** requested rezoning and amendment of zoning district map from Residential (R-7) to General Business (C-5), plus amendment to zoning (Case 72-59c) relative to buffer and fencing requirements on an existing zoned C-5 tract. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for community commercial and light industrial use. This request lies on 27.8 acres fronting approximately 700 feet on the north line of Willis Road and approximately 290 feet on the east line of Germont Avenue and located in the northeast quadrant of the intersections of these roads. Tax IDs 796-671-9098, 796-672-9113 and 9454, 797-672-0506 and 0743 and 797-673-1002 (Sheet 18).

Mr. Clay presented an overview of the request and staff's recommendation for denial. He noted that the application had been amended to withdraw the request for amendment of Case 72-59c on Tax IDs 797-673-1002 and 796-672-Part of 9454; however, indicated staff continued to recommend denial as the proposed zoning and land uses neither conformed to the Jefferson Davis Corridor Plan nor were compatible with existing

area residential and anticipated community commercial and light industrial development along this portion of the Willis Road Corridor.

Mr. Dean Hawkins, the applicant's representative, did not accept staff's recommendation; referenced the applicant's withdrawal of a portion of the request; addressed issues of concern and compromises that had been made; pointed out that the neighborhood was not targeted to be part of the Plan's neighborhood revitalization process; and stated he felt the proposed use was appropriate for the property.

Mr. Gecker opened the discussion for public comment.

Mr. Dwayne Friedline, an area resident, voiced support for the request, noting the residential character of the area was transitioning to business uses, as evidenced by other existing area commercial/industrial located in close proximity to the neighborhood. He stated area businesses needed to be able to expand and asked the Commission recommend approval of the proposed C-5 use.

There being no one else to speak, Mr. Gecker closed the public comment.

Mr. Cunningham noted the compromises that had been made; pointed out that the Plan was used as a guide for development and did not target the area for residential revitalization but rather for business revitalization; and stated he was comfortable that a recommendation for approval of the request was appropriate.

On motion of Mr. Cunningham, seconded by Mr. Gulley, the Commission acknowledged withdrawal of the request for amendment of Case 72-59c on Tax IDs 797-673-1002 and 796-672-Part of 9454.

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

On motion of Mr. Cunningham, seconded by Mr. Stack, the Commission resolved to recommend approval of Case 03SN0224 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

1. Uses shall be limited to the following:
 - a) Any uses permitted in the Community Business (C-3) District.
 - b) Any uses permitted in the Light Industrial (I-1) District.
 - c) Motor vehicle sales, service, repair and rental, excluding motor vehicle consignment lots.
 - d) Truck terminals. (P)
2. Prior to any site plan approval, thirty-five (35) feet of right-of-way on the north side of Willis Road and thirty (30) feet of right-of-way on the east side of Germont Avenue, as respectively measured from the centerline of those parts of Willis Road and Germont Avenue immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)

3. No direct access shall be permitted from the request property to Willis Road. (P)
4. The public water and wastewater systems shall be used. (U)
5. Except for timbering approved by the Virginia Department of Forestry for the purpose of removing dead and/or diseased trees, there shall be no timbering on the Property until a Land Disturbance Permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

F. ADJOURNMENT.

There being no further business to come before the Commission, it was on motion of Mr. Gulley, seconded by Mr. Litton, that the meeting adjourned at approximately 8:43 p. m. to June 19, 2003, at 2:00 p. m. in the Room 502 of the Chesterfield County Government Complex Administration Building.

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

Chairman/Date

Secretary/Date